

January 2003



# Montana Board of Pharmacy

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Published to promote voluntary compliance of pharmacy and drug law.

## Correction

The October 2002 *Newsletter* contained an error regarding the limit for retail sales of pseudoephedrine. The statement should have read, **"A recent federal mandate prohibits selling more than three boxes of three grams pseudoephedrine each in any one transaction."** The threshold for retail sales is, therefore, nine grams pseudoephedrine base per transaction, with no more than three grams per package. These figures apply to sales in "non-safe harbor packaging," which includes bulk retail bottles, blister packaging containing more than two dosage units per blister, and liquids. Please call the Montana Board of Pharmacy office at 406/841-2355 if you have questions.

**A reminder:** The new pharmacy practice act brought many changes to the practice of pharmacy in Montana. The Board of pharmacy has recently received questions about prescription refills. 37-7-401(3) was changed in the last legislative session to read, "A prescription may not be refilled for more than **one year** from the date it was **originally filled**." This is a change from the previous three-year limitation. Schedule III or IV controlled substances may not be filled or refilled more than six months after the date on which the prescription was **issued (written)**.

**Employment of unlicensed technicians:** Pharmacy technicians and technicians-in-training must register with the Board of Pharmacy **before beginning employment**. Unlicensed personnel working as pharmacy technicians present both ethical and legal dilemmas for themselves, their employers, and the pharmacists with whom they work. Dispensing errors made while unlicensed technicians are on duty present increased exposure to liability for all concerned. Unlicensed technicians found performing pharmacy technician duties will be asked by the Board of Pharmacy compliance officer or other Board representative to cease their activities. A note will be sent to the pharmacist-in-charge (PIC) of the pharmacy in violation, and the Board will monitor pharmacy personnel ratios on an ongoing basis. If the unlicensed technician has not registered with the Board of Pharmacy after 30 days or is found to be performing technician duties within that time, a Board-generated complaint will be issued to both the PIC and owner of the pharmacy and appropriate disciplinary action will be taken.

**Pharmacy Technician Ratio Variance Requests:** The Board has provided the following outline of basic elements that must be addressed when making a request for a pharmacy technician ratio variance. These elements were developed by a collaborative effort between the Board and the Montana Pharmacy Association.

Each item must be addressed. Each Board member will review and rate each request. The scores will be added up and an

overall average score will be given for each category. A minimum score of 70% in each category must be obtained. The requestor may provide additional information pertinent to the request if desired.

The overall scoring grid and the final score will be returned to the requesting pharmacy with approval or disapproval of the request. For those requests that were disapproved, the pharmacy will be able to identify the specific element(s) that did not meet the minimum score requirements. The pharmacy may then revise and resubmit their request if desired.

The variance request will become part of the compliance officer review. The compliance officer will verify that the proposed scope of practice and other elements of the request are in place and being followed. Should the compliance officer find that the variance request is not being followed, the Board will be notified and the pharmacy will be cited. The pharmacy will have 30 days to provide documentation to the Board that the pharmacy has come into compliance with the approved request. Should the pharmacy remain out of compliance, the Board will revoke the variance and the pharmacy will be notified that the technician ratio must return to the original level.

## Montana Board of Pharmacy Pharmacy Technician Ratio Variance Request

- I. Design and Equipment Elements: 10 Points – minimum of 70% in each category
  1. Drawing of physical layout of internal pharmacy work area, including square footage.
  2. Drawing of physical layout of patient counseling area(s).
  3. Any automated or robotic prescription aids or machines.
- II. Information System Elements: 10 Points – minimum of 70% in each category
  1. Computer software systems for prescription production and billing.
  2. Computer software systems for patient education materials.
  3. Computer software for all types of drug interactions: drug, food, etc.
  4. Computer software system for tracking all pharmacy interventions.
- III. Work Flow Elements: 30 Points – minimum of 70% in each category
  1. Description of present workflow and major duties of pharmacists, technicians, and clerks.
  2. Description of proposed workflow and major duties of pharmacists, technicians, and clerks.

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3. Descriptions of collaborative practice and/or disease management programs presently provided or planned.
  4. Description of patient services presently provided and any expanded or new services planned.
- IV. Quality Assurance Elements: 10 Points – minimum of 70% in each category
1. List of pharmacist(s) on staff.
  2. List of pharmacy technicians on staff and number of certified pharmacy technicians on staff.
  3. Written or electronic copy of pharmacy policy and procedures with staff signatures on file at pharmacy.
  4. Written or electronic copy of pharmacy quality assurance and/or continuous quality improvement plan on file at pharmacy.

### **Pharmacy Recovery Network Notes: Know Someone with a Chemical Dependency Problem?**

Chemical dependency is a chronic, progressive disease that is often fatal and may affect up to 10% of the general population and an even greater percentage in the health care profession. This may translate to an estimated 100 of Montana's 900 practicing pharmacists that are or will become chemically dependent. More than 40 states have already implemented programs to assist pharmacists who are chemically dependent or impaired. The disease ultimately presents a danger to the health of the public we serve.

The **Pharmacists Recovery Network (PRN)** program is being established to aid Montana pharmacists/pharmacy interns/students/technicians whose health or effectiveness has been adversely affected by chemical dependency. The **PRN program** hopes to reach fellow colleagues before impairment occurs, or before it becomes a danger to the community and a license is at risk. The role of the **PRN program** is strictly one of referral and rehabilitative support and is divorced from any disciplinary aspects of pharmacy practice by the Board.

The **PRN program** will work in conjunction with Montana Impaired Pharmacist Program (MIPP) to provide evaluation and referral when appropriate and necessary.

The **PRN program** will make itself available to self-referral calls, referrals from pharmacy colleagues, and family referrals.

To protect the individual, all information is kept confidential from the Montana Board of Pharmacy.

At present, **PRN** is open to pharmacists/pharmacy interns/students/technicians regardless of affiliation. **PRN** is also open to non-recovering pharmacists/pharmacy interns/students/technicians who desire to be affiliated with **PRN** in a supportive manner. We are seeking registered pharmacists throughout Montana to act as **PRN** advocates, as well as those seeking help. To get involved, call **406/327-1250**. Please leave a message if there is no answer. **Montana PRN (MPRN)** hopes to have a toll-free number by the spring; we will keep you posted as to the availability of that number.

**Note:** This is a gentle reminder that on July 1, 2003, less than six months from now, all Montana pharmacies must have a counseling area that provides visual and auditory privacy. Please contact the Board office at 406/841-2355 if you have questions.

### **Board of Pharmacy Meeting Schedule for 2003**

The Board's next meeting will be held January 14-15, 2003, at Elk Horn Mountain Inn in Montana City, near Helena. Meetings are also scheduled April 8-9 and July 15-16 in Helena, and October 16-17 in Billings in conjunction with the Montana Pharmacists Association meeting on October 18-19. If you would be interested in having the Board meet in your area, please contact the office at 406/841-2356.

### **Continuing Education Updates**

Continuing medical education now qualifies for pharmacy continuing education (CE) credit in Montana. At the risk of sounding like the Internal Revenue Service, 10% of pharmacists registered in Montana are audited for CE credits annually. Save your certificates just as you do at present to verify attendance.

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